

MAR. 22. 2006 1:52PM

ZILKA-KOTAB, PC

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NO. 2340 P. 2

MAR 22 2006

Practitioner's Docket No. NAI1P008/01.113.01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: James S. Magdych et al.

Application No.: 09/895,536

Group No.: 2142

Filed: June 29, 2001

Examiner: Ailes, B.

For: SYSTEM, METHOD AND COMPUTER PROGRAM PRODUCT FOR IMPROVED  
EFFICIENCY IN NETWORK ASSESSMENT UTILIZING VARIABLE TIMEOUT VALUES

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR CONTINUED EXAMINATION (RCE)  
(37 C.F.R. § 1.114)

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

TIME REQUEST IS BEING MADE

2. This request is being submitted:

- i. Prior to payment of issue fee.

03/23/2006 TL0111 00000055 501351 09895536  
01 FC:1881 790.00 DA

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

with sufficient postage as first class mail.

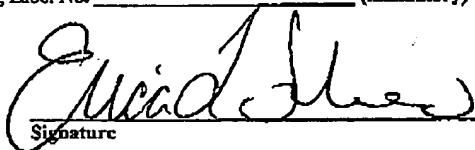
37 C.F.R. § 1.10\*

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facsimile transmitted to the Patent and Trademark Office, (571) 273 - 8300.

  
Signature

Erica L. Farlow

(type or print name of person certifying)

\* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

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**ENCLOSURES**

3. Enclosed herewith is:

An amendment

**FEE FOR REQUEST (37 C.F.R. § 1.17(e)).**

4. This application is on behalf of other than small entity.

Continued Prosecution Request Fee: 790.00

**FEE FOR CLAIMS**

5. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col.1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY		
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE	
TOTAL	25 - 34	= 0	x \$ 50.00	= \$	0.00
INDEP.	5 - 5	= 0	x \$ 200.00	= \$	0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM		+ \$ 360.00		= \$	0.00
			TOTAL ADDIT. FEE	\$	0.00

No additional fee for claims is required.

**EXTENSION OF TIME**

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

Applicant believes that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**TOTAL FEE(S) DUE**

7. The total fee(s) due is/are:

Continued Prosecution Fee (Section 1.17(e)) \$790.00

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Fee(s) for additional claims (Section 1.16(b)-(d))	\$0.00
Total Fee(s) Due:	\$790.00

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**PAYMENT OF FEE(S) DUE**

8. Please pay the fee(s) for this continued examination application as follows:

Charge Account 50-1351 (Order No. NAI1P008) the sum of \$790.00.

Please charge any required additional fee(s) for § 1.17(c), § 1.16(b)-(d) and/or § 1.17(a)(1)-(4) to Account 50-1351 (Order No. NAI1P008).

**INVENTORSHIP**

9. This application as amended names as inventors the same inventors as previously designated for the claims.

Reg. No.: 41,429  
Tel. No.: 408-971-2573  
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Signature of Practitioner  
Kevin J. Zilka  
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